U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

The Honorable Mark V. Rosenker
Acting Chairman
National Transportation Safety Board
490 L'Enfant Plaza East, SW
Washington, DC 20594

AUG 23 2005

Dear Chairman Rosenker:

This letter is a request to close National Transportation Safety Board (NTSB) pipeline safety recommendations P-98-25, P-98-30, P-02-04, and P-04-07 issued to the Research and Special Programs Administration prior to the establishment of the Pipeline and Hazardous Materials Safety Administration (PHMSA). These recommendations address important safety initiatives. Each recommendation is described below followed by a discussion of PHMSA's actions to address them.

- P-98-25 – Require pipeline system operators to precisely locate and place permanent markers at sites where their gas and hazardous liquid pipelines cross navigable waterways.

This recommendation resulted from a dredging incident in Tiger Pass, Louisiana. The NTSB found the pipeline operator took inadequate steps to precisely identify and mark the location of its pipeline through Tiger Pass. The NTSB also indicated concern about the visibility of signs marking pipeline crossings. PHMSA entered into a cooperative agreement with the Common Ground Alliance (CGA) to request they review this recommendation and identify a best practice to lessen future incidents. On April 29, 2005, the CGA published a best practice to provide underwater facility owners (i.e., oil and gas pipelines, cable, telecommunication, electric, sewer) guidance on the proper placement and maintenance of visible permanent markers. The best practice can be found on the PHMSA and CGA websites. A print-out of the CGA web page is enclosed. This best practice will be added to the "Locating and Marking Practices" section of the CGA Best Practices guide and distributed to CGA Sponsor companies, PHMSA headquarters and regional staff, State agencies and other utility companies during the first quarter of 2006.

- P-98-30 – Assess the potential safety risks associated with rotating pipeline controller shifts and establish industry guidelines for the development and implementation of pipeline controller work schedules that reduce the likelihood of accidents attributable to controller fatigue.

This recommendation resulted from a pipeline rupture where a corroded section of the pipeline crossed the Reedy River at Fork Shoals, South Carolina. The NTSB found the controller's work schedule may have affected his alertness, vigilance, and responsiveness during the accident sequence. PHMSA has been working with the pipeline community, Federal agencies with experience in human factors, and other human factors experts, to evaluate how rotating controller schedules relate to human fatigue. From this work, PHMSA developed guidance which can be applied in the pipeline environment to help operators address circumstances where fatigue could reduce the ability of pipeline operators and their controllers to operate pipelines safely. PHMSA obtained advice on this guidance from its two technical advisory committees at a meeting in May 2005. PHMSA subsequently published the guidance in advisory bulletin ADB-05-06 (70 FR 46917; August 11, 2005). A copy of the advisory bulletin is enclosed.

- P-02-04 – Develop and issue guidance to pipeline operators on specific testing procedures that can (1) be used to approximate actual operations during the commissioning of a new pumping station or the installation of a new relief valve, and (2) be used to determine, during annual tests, whether a relief valve is functioning properly.

This recommendation resulted from a pipeline rupture and release of gasoline into a creek near Whatcom Falls Park in Bellingham, Washington. The NTSB listed several items as probable cause. Among them was the failure by the pipeline operator to ensure the proper working condition of relief valves associated with a new pumping station. In response to P-02-04, PHMSA issued advisory bulletin ADB-05-05 (70 FR 46569; August 10, 2005) about pilot-operated pressure relief valves installed in hazardous liquid pipelines. The bulletin provides pipeline operators guidance on whether their inspection and test procedures are adequate to decide if these valves work properly. In the bulletin, PHMSA advises operators of hazardous liquid pipelines to review their in-service inspection and test procedures on their used, new, replaced, or relocated pilot-operated pressure relief valves during periodic inspection and testing of these valves. Before publication, PHMSA obtained advice on the matter from its technical advisory committee at a May 2005 meeting. A copy of the advisory bulletin is enclosed.

- P-04-07 – Revise the emergency response planning requirements in the pipeline safety regulations to include coordination with electric and other utilities that may need to respond to a pipeline emergency.

This recommendation resulted from an explosion of a storage tank in Glenpool, Oklahoma. The NTSB found that ineffective emergency action by the electric utility contributed to the extent of the property damage and impact on the community. PHMSA issued advisory bulletin ADB-05-03 (70 FR 29557; May 23, 2005) to clarify its regulations that require both gas and hazardous liquid pipeline operators to have emergency procedures to address pipeline emergencies. The advisory bulletin alerts pipeline operators of the need to preplan for emergency response with all utility companies whose proximity to the pipeline may impact the response. A copy of the advisory bulletin is enclosed.

PHMSA also asked the National Association of State Fire Marshals (NASFM) to prepare a guidance bulletin to reinforce for fire and emergency response personnel the importance of including all utilities in the Incident Command System. PHMSA has worked with the NASFM to select ten sites for state workshops on emergency response to begin this fall. Also, PHMSA added consideration of a best practice on emergency response to the agenda at the recent semiannual meeting of the 34 regional alliances of the CGA and stressed the importance of the practice.

PHMSA requests that NTSB classify these four Safety Recommendations as "Closed-Acceptable Action."

If we can be of further help, please contact me or James Wiggins, Office of Governmental, International and Public Affairs, at (202) 366-4831.

Sincerely,

Brigham A. McCown
Acting Administrator

Enclosures

cc: Robert Chipkevich, NTSB
Rod Dyck, NTSB

"Permanent Markers for Underwater Facilities" - Approved April 15, 2005

On April 5, 2005, the Best Practices committee approved a practice related to permanent mark underwater facilities. This practice was then forwarded to the Board for final approval on April 2005. Skip McIntosh (Best Practices Co-Chair) & Louis Panzer (Task Team Chair) presented wording to the Board, and explained that the team has agreed to separate this transaction rec Part A (permanent markers) and Part B (locating). The Best Practices Committee approved th wording for Part A and the team will continue to pursue final wording for Part B.

This transaction record was initiated following a request by the Office of Pipeline Safety for the Common Ground Alliance (CGA) to review the National Transportation Safety Board (NTSB) recommendation P-98-25, associated with a dredging incident in Tiger Pass, LA. Through the cooperative agreement, entered into by the Common Ground Alliance and the Office of Pipelin the CGA agreed to review the recommendation and respond to OPS as soon as practical.

The CGA Board thanks the following Best Practices Committee members who serve on the tea dedicated to this practice: Louis Panzer, Phil Baca, Roger Fleming, Don Heyer, David Erwin, S Kowalczyk, Alex Dankanich, Tatiana Rmus, and Frank Maraia. These new practices will be incorporated into Best Practices Version 3.0 that will be published in December 2005.

To learn more about the CGA Best Practices and the approval process, visit the CGA Best Pra page.

TR 2004-04 (Part A) Locating & Marking in Navigable Waterways

Separated into Part A and Part B. Please see Part A final wording below.

Purpose: Permanent Markers for Underwater Facilities

To be included under "Location and Marking Practices"

Practice Statement:

Permanent markers are placed as close as practical at the entrance and exit point of facilities l underneath bodies of water where facilities are at risk of being damaged. For natural (and othe and hazardous liquids pipelines, these affected bodies of waters are "commercially navigable waterways" which have been defined in the Code of Federal Regulations (CFR) Paragraph 19 for hazardous liquids pipelines as "waterways where a substantial likelihood of commercial nav exists."

Practice Description:

Markers are used by underwater facility owners (e.g. cable, telecommunication, electric, water,

and oil/gas pipelines, etc.) to indicate the presence of an underwater facility in the area. There many excavating activities (e.g. dredging, bridge construction, anchors, directional boring and activities) that can damage these underwater facilities. The proper placement and maintenanc visible permanent markers raises the awareness of these facilities and reduces the likelihood c damage.

Markers for underwater facilities follow the local, state and federal laws and regulations.

Facility type, name and contact number of the facility operator is included on markers for all fac types. In some cases the facility contact is the One Call center. Markers include the words "Do Anchor or Dredge" and/or applicable warning language.

Benefits:

By alerting excavators to the presence of underwater facilities, permanent shoreline markers p additional protection to the excavators, facilities and the public.

References:

Tennessee Gas: 1995 Procedures, OPS: 49 CFR 192.707, Sunshine State One Call of Florida of California Code, State of Delaware Code, State of Alabama Code, State of Mississippi Code

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CGA and Dig Safely Campaign are not affiliated with Dig Safe Systems, Inc

Site Design and development by Advanced Solutions International, Inc.

MODIFICATION TO EXEMPTIONS—Continued

Application No.	Applicant	Reason for delay	Estimated date of completion
13580–M	Carleton Technologies Inc., Orchard Park, NY	4	09–30–2005
12384–M	OilAir Hydraulics, Inc., Houston, TX	4	09–30–2005
13327–M	Hawk FRP LLC, Ardmore, OK	1	08–31–2005
7774–M	Pipe Recovery Systems, Inc., Houston, TX	4	08–31–2005
13488–M	Faber Industries Spa, (U.S. Agent: Kaplan Industries, Maple Shade, NJ)	4	08–31–2005
12988–M	Air Products & Chemicals, Inc., Allentown, PA	4	08–31–2005
12284–M	The American Traffic Safety Services, Assn. (ATSSA), Fredericksburg, VA	1	08–31–2005
11579–M	Dyno Nobel, Inc., Salt Lake City, UT	4	08–31–2005
11241–M	Rohm and Haas Co., Philadelphia, PA	1	09–30–2005
7280–M	Department of Defense, Ft. Eustis, VA	4	08–31–2005
10878–M	Tankcon FRP Inc., Boisbriand, Qc	1, 3	08–31–2005
8162–M	Structural Composites Industries, Pomona, CA	4	08–31–2005
8718–M	Structural Composites Industries, Pomona, CA	4	08–31–2005

RENEWAL OF EXEMPTIONS

Application No.	Applicant	Reason for delay	Estimated date of completion
9649–X	U.S. Department of Defense, Fort Eustis, VA	1, 3	08–31–2005

[FR Doc. 05–15860 Filed 8–10–05; 8:45 am]
BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Pipeline Safety: Countermeasures to Prevent Human Fatigue in the Control Room

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice; Issuance of Advisory Bulletin.

SUMMARY: The Pipeline and Hazardous Materials Safety Administration (PHMSA) issues this advisory bulletin to owners and operators of natural gas and hazardous liquid pipelines and liquefied natural gas facilities. The purpose of this advisory is to help operators ensure that controllers are not assigned to shift duties while fatigued, to advise pipeline operators on considerations which could cause a reduction of mental alertness or decision making ability, and to encourage safe management practices.

This advisory also responds to the National Transportation Safety Board's (NTSB) Safety Recommendation P–98–30, which urges PHMSA to establish industry guidelines for pipeline controller work schedules to reduce the likelihood of accidents attributable to controller fatigue.

FOR FURTHER INFORMATION CONTACT: Florence Hamn by telephone at (202) 366–3015; by fax at (202) 366–4566, or by e-mail at *Florence.Hamn@dot.gov.* General information about the PHMSA's Office of Pipeline Safety (OPS) programs may be obtained by accessing the Web site home page at *http://ops.dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

NTSB Recommendations

On November 18, 1998, the NTSB issued Safety Recommendation P–98–30, which urges PHMSA, formerly RSPA, to "assess the potential safety risks associated with rotating pipeline controller shifts and establish industry guidelines for the development and implementation of pipeline controller work schedules that reduce the likelihood of accidents attributable to controller fatigue." This recommendation resulted from NTSB's investigation into the rupture of a hazardous liquid pipeline that released about 957,600 gallons of fuel oil into a river and surrounding areas.

NTSB determined that the probable cause of the rupture was, in part, the failure to ensure that pipeline controllers were properly trained to recognize and respond to operational emergencies, abnormal conditions, and pipeline leaks. NTSB noted that the controller responsible for operation of the failed pipeline had worked under a rotating shift schedule that may have contributed to operator fatigue. NTSB expressed concern about the potential for pipeline controller fatigue from rotating shift schedules.

In 1999, NTSB issued Safety Recommendation P–99–12, which urges PHMSA to establish within two years scientifically based hours of service regulations that set limits on hours of service, provide predictable work and rest schedules, and consider circadian rhythms and human sleep and rest requirements.

This recommendation resulted from the NTSB's review of all transportation accidents reported to U.S. Department of Transportation (DOT) modal administrations over a 10 year period. NTSB noted that it had issued over 70 fatigue-related safety recommendations that resulted from its investigations of major accidents, special investigations, or safety studies that identified operator fatigue as a causal factor. The NTSB noted that scientific research has shown that certain sleep factors can affect fatigue and performance, such as insufficient sleep, irregular schedules, and unpredictable schedules.

PHMSA Actions and Guidance

In response to these recommendations, PHMSA has been aggressively working with the pipeline community and federal agencies to evaluate how rotating controller schedules in the pipeline industry may be related to human fatigue and safety outcomes. From this work, PHMSA has developed the following guidance, which can be applied in the pipeline environment:

Work Schedules/Hours of Service

Fatigue is a critical safety concern for shift workers, especially workers in the

transportation industry. Many pipeline control operators work 10 and 12 hour shifts, and they generally perform sedentary tasks requiring high levels of vigilance. Consequently, fatigue may be an issue, given the long hours of continuous control monitoring and the reduced likelihood of taking rest breaks. Fatigue can result in sleepiness, drowsiness, reduced alertness, and/or slower reaction time. This in turn can make handling stressful or emergency situations on the job more difficult. Being fatigued can make it difficult to concentrate, thereby increasing the possibility of safety-related control errors.

An individual's body processes have peaks and valleys during every 24-hour period. Time cues, like work rest schedules, help set the sleep pattern. Crossing time zones or changing from a day shift to a night shift forces the sleep pattern to move to a different schedule. Time is required to adjust to the new schedule.

Although individuals differ in their optimal sleep requirements, adults typically need between 6 and 10 hours of sleep in a 24-hour period. Most people, however, require approximately 8 hours of sleep per day. When adults get less than 5 hours of sleep over a 24-hour period, peak mental abilities begin to decline. Additionally, sleep deprivation of just a couple of days can slow response times and decrease initiative. Sleep deficit leads to less alertness and slower response times.

Although working non-traditional shifts is a common and necessary part of the pipeline control operator's job, the countermeasures recommended in this advisory can help reduce the potential detrimental effects of shift work on worker safety.

Control Room Environment

Pipeline control operators generally remain seated for long periods of time, and the environment of the control room can affect an individual's sleep patterns. The sedentary work of control operators can add to shift-work fatigue and reduce an operator's alertness because it decreases blood flow and causes sleepiness. An individual's sleep pattern is affected by the presence of light and darkness. By incorporating specific design features, such as lighting and temperature control, operator alertness can be maximized at any time of the day or night, which in turn enhances safety by reducing fatigue and control errors.

Training and Education

Because adequate sleep is the main way to address fatigue, controller education programs must emphasize the recognition of the signs of sleep deprivation. Operators can improve safety by analyzing working conditions, addressing operational safety issues, and conducting sleep-safety training. For example, teaching control supervisors that work rotation schedules that go in the direction of the sun have been found to reduce the negative effects of fatigue. Furthermore, training controllers on the number of hours of sleep needed to reduce fatigue and methods they can use to fall asleep, such as dark light shades, can provide controllers with the tools they need to control fatigue.

Operator Fatigue Studies

Several studies are electronically available that provide more information about operator fatigue, such as the U.S. Department of Transportation's Commercial Transportation Commercial Transportation Operator Fatigue Management Reference (2003). This document can be viewed at *http://ops.dot.gov/regs/reports/Fatigue%20Management%20Reference.pdf.* This publication also references many other studies and reports on human fatigue.

PHMSA urges operators to evaluate potential risks associated with pipeline operator fatigue and shift rotation schedules and take measures to alleviate such risks.

II. Advisory Bulletin (ADB–05–06)

To: Owners and operators of natural gas and hazardous liquid pipeline and liquefied natural gas facilities.

Subject: Countermeasures to Prevent Human Fatigue in the Pipeline Control Room.

Purpose: The purpose of this advisory is to address situations where fatigue could reduce the ability of pipeline operators and their controller staff to operate pipelines in a safe condition. This advisory is designed to help operators ensure that controllers are not assigned to shift duties while fatigued, to advise pipeline operators on considerations which could cause a reduction of mental alertness or decision making ability, and to encourage management practices which will promote safety. This advisory provides guidance to gas and liquids pipeline operators and their pipeline controllers.

Advisory: The functions of a controller are often sedentary tasks requiring high levels of vigilance. Consequently, fatigue may be an issue, given long hours of continuous control monitoring and the reduced likelihood of taking rest breaks. Fatigue can result in sleepiness, drowsiness, and/or reduced alertness. These factors can decrease the ability of the pipeline controller to safely perform critical functions. It is known that fatigue is significantly underestimated as a contributing factor in conventional accident reporting in many transportation modes because it is difficult to accurately detect. The scientific knowledge on human alertness has improved in recent years, but has not been broadly applied to managing operator fatigue because it is difficult to determine how much fatigue has contributed to the cause and/or the magnitude of pipeline accidents. PHMSA, however, has learned that there are measures that can be taken to reduce the detrimental effects of shift work on worker safety, and provides the following guidance for operators to consider:

Work Scheduling and Hours of Service

An individual's body processes have natural peaks and valleys during every 24-hour period. Adults typically need between 6 and 10 hours of sleep in each 24-hour period, and suffer from declining peak mental abilities if they get less than 5 hours of sleep. Natural sleep schedules are affected by shifts in routine, and can be affected by non-routine work schedules. This can lead to fatigue or impair alertness if operators are working non-standard shifts or are working long hours without enough rest. PHMSA advises pipeline operators to consider:

- Developing shift rotation practices to minimize fatigue caused by the disruption of normal sleep patterns.
- Limiting work schedules to no more than 12 hours in any 24 hour period except in extraordinary or emergency situations.
- Developing a policy or procedure to manage unusual circumstances where a controller is required to work more than 12 hours in any 24 hour period.
- Scheduling at least a 10 hour break between work periods.
- Scheduling overtime on an individual basis, not the whole shift of controllers and controller supervisors. Controller fatigue and alertness should be considered in allowing overtime.
- Developing guidelines for scheduling controllers and supervisors in emergency situations taking into consideration controller fatigue and alertness.
- Establishing work relief periods and other measures during controller shifts to promote alertness and enhance capabilities for effective decision making.

Control Room Environmental Factors

An individual's sleep pattern is also influenced by external factors. Many control rooms are designed for day workers. In 24-hour pipeline operations, alertness and vigilance on the night shift is equally as important and should be addressed by the operator. Although there are many methods that can be employed to reduce operator fatigue in the control room, PHMSA advises pipeline operators to consider:

- Using the available information on control room environments to incorporate environmental measures that reduce fatigue and promote alertness.
- Adjusting environmental factors to specifically address the problems associated with night shifts and shift rotation schedules.
- Sharing information across the industry on environmental factors in control rooms that can affect fatigue and controller alertness.

Training and Education

Training and education of both supervisors and controller personnel is critical to the prevention of fatigue-related pipeline incidents. These efforts can maximize the safety and performance of pipeline control personnel by minimizing the effects of fatigue in shift-work operations. Therefore, PHMSA advises pipeline operators to consider:

- Educating controllers and controller supervisors on factors that impact human fatigue.
- Training supervisors of controllers to recognize signs of stress and fatigue both on duty and when reporting for duty.
- Sharing information across the industry on training of controllers and supervisors on the effects of fatigue on controller alertness and decision making.

Issued in Washington, DC, on August 5, 2005.

Theodore L. Willke,

Deputy Associate Administrator for Pipeline Safety.

[FR Doc. 05–15956 Filed 8–10–05; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Research and Innovative Technology Administration

Agency Information Collection; Activity Under OMB Review; Submission of Audit Reports—Part 248

AGENCY: Research & Innovative Technology Administration (RITA), Bureau of Transportation Statistics (BTS), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) described below is being forwarded to the Office of Management and Budget (OMB) for extension of currently approved collections. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collection of information was published on December 17, 2004 (69 FR 75602).

DATES: Written comments should be submitted by September 12, 2005.

FOR FURTHER INFORMATION CONTACT: Bernie Stankus, Office of Airline Information, RTS–42, Room 4125, RITA, BTS, 400 Seventh Street, SW., Washington, DC 20590–0001, Telephone Number (202) 366–4387, Fax Number (202) 366–3383 or e-mail *bernard.stankus@dot.gov*.

SUPPLEMENTARY INFORMATION:

Bureau of Transportation Statistics (BTS)

Title: Submission of Audit Reports—Part 248.

Type of Request: Extension of a currently approved reporting requirement.

OMB Control Number: 2138–0004.

Affected Public: Certificated air carriers.

Number of Respondents: 85.

Number of Responses: 85.

Total Annual Burden: 21 hours.

Abstract: BTS collects independent audited financial reports from U.S. certificated air carriers. Carriers not having an annual audit must file a statement that no such audit has been performed. In lieu of the audit report, BTS will accept the annual report submitted to the stockholders. The audited reports are needed by the Department of Transportation as: (1) A means to monitor an air carrier's continuing fitness to operate, (2) reference material used by analysts in examining foreign route cases, (3) reference material used by analysts in examining proposed mergers, acquisitions and consolidations, (4) a means whereby BTS sends a copy of the report to the International Civil Aviation Organization (ICAO) in fulfillment of a United States treaty obligation, and (5) corroboration of a carrier's Form 41 filings.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention: BTS Desk Officer.

Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department of Transportation. Comments should address whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on August 5, 2005.

Donald W. Bright,

Assistant Director, Office of Airline Information.

[FR Doc. 05–15914 Filed 8–10–05; 8:45 am]

BILLING CODE 4910–FE–P

DEPARTMENT OF TRANSPORTATION

Research & Innovative Technology Administration

Agency Information Collection; Activity Under OMB Review; Reporting Required for International Civil Aviation Organization (ICAO)

AGENCY: Research & Innovative Technology Administration (RITA), Bureau of Transportation Statistics (BTS), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) described below is being forwarded to the Office

or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Discussion of Comments

The FMCSA received two comments in this proceeding. The comments were considered and are discussed below.

Ms. Barb Sachau believes that vision exemptions are granted based on outdated research information from 1920 and 1952, therefore, compromising public safety on the highways. Also, she believes that medical examination information should not be accepted unless it is dated in the year the exemption is granted.

In regard to the first issue, the discussion above under the heading, "Basis for Exemption Determination," refers to research information completed in 1920 as the "first major research" and the study completed in 1952 as one of multiple "subsequent studies." The references show that the correlation between past and future driving performance has stood the test of time. We cite more recent research from 1964 and 1971, as well as the agency's vision waiver study program of the early 1990s. (See 61 FR 13338, 13345, March 26, 1996.) In addition, the agency assembled a panel of physicians expert in diagnosing and treating vision problems and utilized data from the previous vision waiver program (early 1990s) to provide a scientific basis for the current Federal vision exemption program.

In regard to the second issue, each applicant has been examined within one year of receiving the exemption by an ophthalmologist or optometrist who certifies the driver's vision has been stable for at least 3 years preceding the date of application. The FMCSA requires each driver upon receiving an exemption to be physically examined by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and provide a copy of the ophthalmologist's or optometrist's report to a medical examiner who conducts a medical examination and certifies the driver under 49 CFR 391.43. Thereafter, each exempted driver must have an eye examination and be certified annually. Because each applicant has had stable vision for at least 3 years, and each applicant will undergo an eye examination upon receipt of the exemption, and yearly after receipt of the exemption, the FMCSA considers an exam performed within the last year to be consistent with the requirements of the vision program. In addition, it is consistent with the screening criteria of the vision waiver study program of the early 1990s. Those monocular drivers who participated in that program demonstrated a greater level of safety than that of all CMV drivers collectively.

Advocates for Highway and Auto Safety (Advocates) expresses continued opposition to the FMCSA's policy to grant exemptions from the FMCSRs, including the driver qualification standards. Specifically, Advocates: (1) Objects to the manner in which the FMCSA presents driver information to the public and makes safety determinations; (2) objects to the agency's reliance on conclusions drawn from the vision waiver program; (3) claims the agency has misinterpreted statutory language on the granting of exemptions (49 U.S.C. 31315 and 31136(e)); and finally (4) suggests that a 1999 Supreme Court decision affects the legal validity of vision exemptions. The issues raised by Advocates were addressed at length in 70 FR 16887 (April 1, 2005). We will not address these points again here, but refer interested parties to those earlier discussions.

Conclusion

Based upon its evaluation of the 24 exemption applications, the FMCSA exempts Linda L. Billings, George L. Cannon, Anthony Ciancone, Jr., Andrew B. Clayton, Kenneth D. Daniels, Jerry A. Davidson, Richard D. Espey, Jr., Allen R. Fasen, Tommy K. Floyd, Franklin G. Hermann, William W. Hodgins, Hazel L. Hopkins, Jr., Donald M. Jenson, Dean A. Maystead, Jason L. McBride, Sr., Willie J. Morgan, Carl V. Murphy, Jr., Donald L. Murphy, Mark D. Page, Larry D. Reynolds, Thomas D. Reynolds, Walter J. Savage, Jr., Thomas J. Sweeny, Jr., and Louis E. Villa, Jr. from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)).

In accordance with 49 U.S.C. 31315 and 31136(e), each exemption will be valid for 2 years unless revoked earlier by the FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136. If the exemption is still effective at the end of the 2-year period, the person may apply to the FMCSA for a renewal under procedures in effect at that time.

Issued on: August 4, 2005.

Pamela M. Pelcovits,

Director, Office of Policy, Plans, and Regulations.

[FR Doc. 05–15784 Filed 8–9–05; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Pipeline Safety Advisory Bulletin; Inspecting and Testing Pilot-Operated Pressure Relief Valves

AGENCY: Office of Pipeline Safety (OPS), Pipeline and Hazardous Materials Safety Administration, DOT

ACTION: Notice of advisory bulletin.

SUMMARY: This notice announces a pipeline safety advisory bulletin about pilot-operated pressure relief valves installed in hazardous liquid pipelines. The bulletin provides pipeline operators guidance on whether their inspection and test procedures are adequate to determine if these valves function properly. Malfunctioning of a pilot-operated pressure relief valve was a contributing factor in an accident involving a petroleum products pipeline in Bellingham Washington.

FOR FURTHER INFORMATION CONTACT: L.M. Furrow by phone at 202–366–4559, by fax at 202–366–4566, by mail at U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC, 20590, or by e-mail at *buck.furrow@dot.gov*.

SUPPLEMENTARY INFORMATION: After its investigation of an accident involving a 16-inch petroleum products pipeline operated by the Olympic Pipe Line Company in Bellingham, Washington, the National Transportation Safety Board (NTSB) made the following recommendation to the Research and Special Programs Administration: [1]

Develop and issue guidance to pipeline operators on specific testing

[1] The Norman Y. Mineta Research and Special Programs Improvement Act (Pub. L. 108–426, 118; November 30, 2004) reorganized the Research and Special Programs Administration (RSPA) into two new DOT administrations: the Pipeline and Hazardous Material Safety Administration (PHMSA) and the Research and Innovative Technology Administration. RSPA's regulatory authority over pipeline and hazardous materials safety was transferred to PHMSA.

procedures that can (1) be used to approximate actual operations during the commissioning of a new pumping station or the installation of a new relief valve, and (2) be used to determine, during annual tests, whether a relief valve is functioning properly. (P–02–4)

The recommendation arose from NTSB's evaluation of a test Olympic had done to check the pilot of a pilot-operated pressure relief valve in a pumping station at its new Bayview products terminal. NTSB found the test was inadequate to determine if the pilot was configured properly or if it was operating reliably. Furthermore, NTSB concluded that the DOT regulations governing the testing of relief valves and other safety devices on hazardous liquid pipelines provide insufficient guidance to ensure that test protocols and procedures will effectively indicate malfunctions of pressure relief valves or their pilot controls.[2]

According to NTSB's accident report[3]—available online at *http://www.ntsb.gov/Publictn/P_Acc.htm*—Olympic installed pressure control devices to protect the Bayview terminal piping and components from overpressure by the 16-inch pipeline. These devices consisted of (1) a control valve to throttle back the inflow of product; (2) a downstream pilot-operated pressure relief valve designed to divert excess product if a set pressure was exceeded; and (3) upstream remotely controlled block valves that would stop the inflow if a pressure of 700 psig was reached inside the terminal.

The report explains that the pilot of the relief valve had been configured for low-pressure operation, with a set point of 100 psig. Consequently, during start-up of the Bayview terminal, the relief valve opened at a pressure lower than intended. To correct the problem, Olympic replaced the pilot spring (with an identical spring) and increased the set point to 700 psig. (Olympic did not consult the valve manufacturer's specifications and was unaware that a different piston, cover, and O-ring were necessary for high-pressure configuration.) The pilot was then tested in situ with a hydraulic pump rig to be sure the pilot valve opened at the correct pressure. Olympic used the same test procedure it used to test relief valves under DOT's regulations.

The accident investigation disclosed that increasing the set pressure of the pilot had compressed the pilot spring so much that rising inlet pressure could not lift the piston, making operation of the pilot completely unreliable. Although the pilot set point apparently had been tested, the test procedure did not reveal that the pilot had been configured for low-pressure operation and thus would not consistently open at the intended pressure. NTSB observed that if the relief valve did not open because of pilot malfunction and downstream pressure rose above 700 psig, a block valve would close and increase pressure in the 16-inch pipeline, which is what happened in the accident.

Advisory Bulletin (ADB–05–05)

OPS shares NTSB's concern that pipeline operators could be conducting in-service tests that do not identify unreliable pilot-operated pressure relief valves. Therefore, we are issuing the following advisory bulletin:

To: Operators of hazardous liquid pipelines regulated by 49 CFR part 195.

Subject: Inspecting and testing pilot-operated pressure relief valves.

Purpose: To assure that pilot-operated pressure relief valves function properly.

Advisory: Operators should review their in-service inspection and test procedures used on new, replaced, or relocated pilot-operated pressure relief valves and during the periodic inspection and testing of these valves. Operators can use the guidance stated below to ensure the procedures approximate actual operations and are adequate to determine if the valves functions properly.

Guidance: The procedures should provide for the following:

(a) During installation, review the valve purchase order (or comparable documentation), valve name-plate, and manufacturer's specifications. Verify that the valve is:

(1) Compatible with the material and maximum operating pressure of the pipeline;

(2) Compatible with or protected from environmental attack or damage;

(3) Compatible with the hazardous liquid transported at all anticipated operating temperatures and pressures;

(4) In conformity with the manufacturer's specifications for the valve model and type of service, and with the purchase order (or comparable documentation);

(5) Configured according to the manufacturer's specifications for the pilot and in-line valves; and

(6) Operable at the set pressure (*i.e.*, activation of the pilot valve opens the in-line valve).

(b) If the pilot assembly of a previously installed valve is reconfigured or repaired "

(1) Do the work according to the manufacturer's specifications;

(2) Test the valve to ensure it is operable at the set pressure (*i.e.*, activation of the pilot valve opens the in-line valve) or, if testing the in-line valve would be unsafe or environmentally hazardous, tests the pilot valve according to paragraph (d) below; and

(3) Document the work.

(c) Verify that the valve set pressure is consistent with "

(1) The design or configuration of the pilot valve and in-line valve; and

(2) Use of the valve as a primary overpressure protection device or as a backup safety relief device.

(d) Test the pilot valve at least twice and verify that it activates consistently at the intended set pressure.

(e) During periodic inspections and tests, review the valve installation to determine if it has been modified since the last inspection. If so, verify that the pilot sensor and valve inlet and discharge piping are properly sized and placed and that the installation is consistent with the intended design.

(f) Document all verifications, and sign, date, and keep for the operating life of the valve all documentation.

Issued in Washington, DC, on August 4, 2005.

Stacey Gerard,

Associate Administrator for Pipeline Safety.

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[2] Under 49 CFR 195.262(c), the safety devices in each new pumping station must be tested under conditions approximating actual operations and found to function properly before the pumping station may be used. Also, under 49 CFR 195.428, each pressure limiting device, relief valve, pressure regulator, or other item of pressure control equipment must be inspected and tested annually to determine that it is functioning properly, is in good mechanical condition, and is adequate from the standpoint of capacity and reliability of operation for the service in which it is used.

[3] *Pipeline Rupture and Subsequent Fire in Bellingham, Washington, June 10, 1999,* Pipeline Accident Report NTSB/PAR–02/02, October 11, 2002.

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–05–21314; Notice 1]

Pipeline Safety: Petition for Waiver; BOC Gases

AGENCY: Office of Pipeline Safety (OPS), Pipeline and Hazardous Materials Safety Administration (PHMSA), U.S. Department of Transportation (DOT).

ACTION: Notice; Petition for Waiver; Correction.

SUMMARY: PHMSA is correcting a petition for waiver published in the

- How do we improve effectiveness of the one-call system and what is the role of technology?
- How can we apply the Virginia experience in other areas (*i.e.*, distribution integrity management)?

2. High Consequence Area (CCA) Pilots

- Is there a way of using partnerships to expand damage prevention, emergency preparedness and response?
- Are there key partners missing? If so, how do we enlist them, such as in the areas of emergency preparedness, encroachment, etc.?
- Should this best practice model be introduced to all States?

3. Liquefied Natural Gas (LNG)

- Is PHMSA/OPS doing all it should to educate communities about LNG?

Show Video Clip—*Liquefied Natural Gas*

Pipeline Information Planning Alliance (PIPPA)

- How do we approach home builders and insurers?

Improving Our Stewardship in Environmental and Energy Projects

The OPS is the Federal pipeline safety expert and recognizes how important it is to share its expertise with other government and State agencies responsible for supporting our government's national energy policies. OPS also provides information and assists other government and State agencies responsible for protecting our Nation's pipeline system.

1. Permit Streamlining

- How do we introduce our concepts to State and local agencies?
- What is the most efficient way to develop best practices?
- How could we effectively use and improve on developing best practices during implementation of the second pilot program?

2. Alaska

- Are OPS's current pipeline safety regulations aligned and applicable for the new technologies and materials being proposed for the Alaska North Slope gas transmission pipeline?
- What changes need to be made to ensure the optimum delivery rate from Alaska, through Canada, and into the lower 48 States?

3. Security

- How can OPS ensure continuing pipeline security in the current environment?
- What is OPS doing for pipeline security?

Authority: 49 U.S.C. 60102, 60115.

Issued in Washington, DC on May 18, 2005.

Theodore L. Willke,

Deputy Associate Administrator, Office of Pipeline Safety.

[FR Doc. 05–10275 Filed 5–19–05; 10:32 am]

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Pipeline Safety: Planning for Coordination of Emergency Response to Pipeline Emergencies

AGENCY: Office of Pipeline Safety (OPS), Pipeline and Hazardous Materials Safety Administration, DOT.

ACTION: Notice; issuance of advisory bulletin.

SUMMARY: This document alerts pipeline operators about the need to preplan for emergency response with utilities whose proximity to the pipeline may impact the response. Coordination with electric and other utilities may be critical in responding to a pipeline emergency. Preplanning would facilitate actions that may be needed for safety, such as removing sources of ignition or reducing the amount of combustible material.

FOR FURTHER INFORMATION CONTACT: Robert J. Hall by phone at (202) 366-8860, by fax at (202) 366-4566, or by e-mail, *robert.hall@dot.gov*. General information about the Pipeline and Hazardous Materials Safety Administration's Office of Pipeline Safety programs may be obtained by accessing the home page at *http://ops.dot.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Existing regulations for both gas and hazardous liquid pipelines require operators to have emergency procedures to address pipeline emergencies. The key element of these requirements, which are located at 49 CFR 192.615 and 195.402(e), is to plan response before the emergency occurs. Because pipelines are often located in public space rather than in controlled access areas, planning emergency response must include more than internal plans. The regulations explicitly require that operators include procedures for planning with fire, police and other public officials to ensure a coordinated response. It is also important to plan a coordinated response with owners of other utilities in the vicinity of the pipeline. The operations of these utilities may provide sources of ignition for the product released from a pipeline, may increase the burning time of fires that have already started, or may delay responders who are attempting to make the situation safe rapidly.

In the evening of April 7, 2003, a breakout tank exploded and subsequently ignited in Glenpool, Oklahoma. The fire continued to burn and increased in the early morning of April 8 when electric lines affected by the previous day's explosion and fire fell into a dike. The diesel fuel being contained in the dike ignited, expanding the fire. This resulted in a temporary suspension of firefighting and damaged additional facilities. While there were no injuries or fatalities, the fire burned for over 20 hours; the cost of the accident exceeded two million dollars; residents were evacuated; and schools were closed. The National Transportation Safety Board (NTSB) conducted an investigation of the accident. In its report, the NTSB found that lack of a coordinated emergency response contributed to the severity of the accident. The NTSB noted that the existing pipeline safety regulations on emergency procedures do not explicitly require that operators have procedures for preplanning with electric and other utilities.

A previous accident also points to the need for better coordination of emergency response. On March 1, 1998, a pipeline failure occurred when a raven landed on a power line. This resulted in a fault current that impacted a gas pipeline in Anchorage, Alaska. The situation very quickly developed into an explosion at the public electric company's plant. Although preplanning was required by regulation, the pipeline operator did not coordinate emergency response well with the fire department resulting in delays in shutting off the flow of gas. This resulted in additional fire damage. Inadequate coordination with the electric company also contributed to this delay.

These accidents point to the need for operators to plan with utilities on how to coordinate actions needed in responding to a pipeline emergency. This preplanning will result in better coordination when an emergency occurs.

II. Advisory Bulletin ADB–05–03

To: Owners and Operators of Natural Gas and Hazardous Liquid Pipeline Facilities in the Vicinity of Electric and other Utilities.

Subject: Preplanning with owners of electric and other utilities for

coordinated response to pipeline emergencies.

Purpose: To advise operators of pipeline facilities located near electric and other utilities of the need to preplan emergency response with the owners of those electric and other utilities to ensure better coordination of response, and reduced damages, when a pipeline emergency occurs.

Advisory: Operators of pipeline facilities are required to plan emergency response before an emergency happens. The regulations include required elements of emergency plans and procedures. In planning emergency response, an operator should carefully look at the environment surrounding the pipeline facility and the risks that the environment will pose in the event of a pipeline emergency. Electric and other utilities may pose sources of ignition or may provide additional fuel for fires. The operations of these utilities may make response to a pipeline emergency by firefighters or the pipeline operator more difficult. Preplanning with these utilities will help the operator identify issues that may arise in responding to pipeline emergencies and plan effective response before there is an emergency. This will improve the coordination of emergency response and reduce delays.

OPS advises pipeline operators to include within their emergency response planning outreach to owners of electric and other utilities in order to preplan and coordinate response to pipeline emergencies.

Issued in Washington, DC, on May 17, 2005.

Theodore L. Willke,

Deputy Associate Administrator for Pipeline Safety.

[FR Doc. 05–10202 Filed 5–20–05; 8:45 am]

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